

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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THE CITY OF NEW YORK,

Case No. 1-24-cv-05161-GHW-JW

Plaintiff,

-against-

ENVIROMD GROUP LLC *et al.*,

Defendants.

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PLEASE TAKE NOTICE, that upon the annexed Memorandum in Support, dated September 27, 2024, the exhibits and affidavits annexed thereto, and upon all the pleadings and proceedings heretofore had herein, Defendants EnviroMD Group LLC, KLCC Wholesale Inc., RZ Smoke Inc., Urban Smoke Distributors, and GT Imports (collectively, the “Moving Defendants”), will and hereby move this Court, located at 500 Pearl Street, Room 2260, New York NY 10007, for dismissal of Plaintiff’s claims contained in its Second Amended Complaint for violation of the Prevent All Cigarette Trafficking Act (the “PACT Act,” 15 U.S.C. § 375 *et seq.*), violation of N.Y. Public Health Law § 1399-ll, violation of N.Y.C. Administrative Code § 17-715(b)(1), and “public nuisance,” and for such other and further relief as this Court deems just and proper.

The Moving Defendants seek dismissal of Plaintiff’s Second Amended Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim. This motion is based on this Notice of Motion and Motion; the accompanying Memorandum of Law, the pleadings filed in this action including the Second Amended Complaint, and such other arguments as may be offered at the time of the hearing on this motion.

Dated: September 27, 2024
New York, New York

By: /s/ Meredith Lloyd
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